

CERTIFICATE OF PUBLICATION

From THE NEWS-P

Frederick, Md. No 24,272

erty. That the annexed Order of Public

The above letter, with the annexed order of publication,
was published, in The Frederick Post,
newspaper published in Frederick County, once a week, for

a newspaper published in Frederick County, once a week for
four (4) successive weeks, the last of such publications
being made not less than 30 days prior to the twenty fourth
day of May , 19 73.

THE NEWS-POST

Per Mau. G. - Deligne
1800 B. D. 1800

THE POST, Frederick
Thursday, May 10

NOTICE

IN THE CIRCUIT COURT FOR
FRANCISICK COUNTY,
MARYLAND
NO. 2057 BILITY

LACE, INC., a Maryland Corporation, 2423 Ridge Road, Damascus, Maryland 20830, Plaintiff vs the unknown heirs, donees, personal representatives, defendants or successors in interest of George W. Cutshall, deceased; Sarah Cutshall, deceased; Catherine Watkins, deceased; and Antoinette Housen, deceased, unknown relatives, Defendants.

ORDER OF PUBLICATION

This is to give notice that on the 10th day of April, 1973, a Bill of Complaint was filed in the Circuit Court for Frederick County, Maryland, by the Plaintiff against the Defendants.

The Bill of Complaint alleges in substance that as of December 10, 1960, the Petitioner was the owner in fee simple of all those two (2) pieces of parcels of land estates, lying and being in the New Market District, the West, Frederick County, Maryland, and being more particularly described as follows:

PARCEL NO. 1: All that piece or parcel of land estates, lying and being in the New Market District, Frederick County, Maryland, and being more particularly described as follows: BEGGINING at the end of the 1st line of a deed from John E. Graves and Sarah J. Graves, his

NOTICE

the end of 86 perches on the aforesaid line of a tract of land called the "Hedge" and running with said line, containing the bearing to N. 20° E. 35 perches to the end of said line, thence N. 20° E. 24½ perches to the end of 60 perches on the 1st line of "Hedge," then with said land S. 30° E. 50 perches to a stone, N. 30° E. 60 perches to a stone at the end of the last line in a deed from Mary Grace to John Rose, then by and with the closing line thereof, then S. 20° W. 50 perches, then by a straight line to the place of beginning, contains the thirty one (31) acres of land more or less, BEGGINING part of the real estate described by corrected name and bounds description in a Confirmatory Deed from John C. Stup and L. Olive Stup, his wife, to Lare, Inc., dated December 10, 1960 and recorded in Liber 253, folio 741, one of the Land Records of Frederick County, Maryland, said real estate containing 117 40' acres of land, more or less, as surveyed by John D. Mease, Registered Land Surveyor, Frederick County, Maryland, and being more particularly described as follows:

PARCEL NO. 2: All that piece or parcel of land estates, lying and being in the New Market District, Frederick County, Maryland, and being more particularly described as follows: BEGGINING at the end of the 1st line of a deed from John E. Graves and Sarah J. Graves, his

NOTICE

wife, to George W. Cutshall, and running South from a first dog West thirty perches, North Twenty five and a half dog West, One Hundred and three perches, to Jamesell Lawson less than with said Lawson's line North twenty five dog east, thirty five and a quarter perches to the end of the said line in said Cutshall's deed, thence with the lines of said deed, South forty five and a half dog East twenty three perches, North fifty eight dog East eighty and one half perches to the beginning, containing twenty one (21) acres of ground, more or less, BEGGINING part of the real estate described in the aforesaid Confirmatory Deed from John C. Stup and L. Olive Stup, his wife,

The subsequent to December 10, 1960, the Petitioner has subdivided the 117 40' acres, more or less, tract of land and has conveyed title to various tracts within and subdivisions, all of which said conveyances are a matter of public record, that it is not necessary in this proceeding to set the subsequent grants of the Petitioner of subdivided tracts of land within the tract described herein, that Parcel 1 is a part of the real estate described and conveyed in a Deed from Marcus M. Jamison and John C. Jamison, his husband, unto John C. Stup and L. Olive Stup, his wife, dated April 18, 1941, and recorded in Liber 436, folio 14, one of the aforesaid Land Records, that Parcel 1 is a part of the real estate described and conveyed in a Deed from Fannie C. Berdette and Ira Lonsdale Berdette, her husband, unto Mattie M. Jamison, dated August 16, 1941, and recorded in Liber 430, folio 207, one of the aforesaid Land Records, that Parcel 1 is a part of the real estate described and conveyed in a Deed from Virginia B. Brandenburg and Arnold Brandenburg, her husband, unto Fannie C. Berdette and Ira Lonsdale Berdette, her husband, dated April 11, 1941, and recorded in Liber 430, folio 208, one of the aforesaid Land Records, said Deed reciting that Fannie C. Berdette and Virginia B. Brandenburg are the only surviving heirs (daughters) of one Ella Cutshall, who died intestate owned and possessed of the above described real estate, the Inventory of Real Estate of the said Ella Cutshall being recorded in Liber R.L. 1, folio 18, one of the aforesaid books in the office of the Register of Wills for Frederick County, Maryland, that Parcel 1 is all and the same real estate described in a Deed from Alvin Cochell Cutshall and Willie Myrtle Cutshall, his wife, Lucy May Davidson and Edwin Marcellous Davidson, her husband, and Edith Virginia Schoppe and Leo Robert Schoppe, her husband, unto George H. Cutshall and Etta M. Cutshall,

and pay the proceeds of such sale together with all money and or venture for money which shall be in my possession at the time of my death, to my said wife, that Parcel 1 is believed to be all and the same real estate described in a Deed from John F. Burke to Sarah Cutshall, wife of George W. Cutshall, dated August 9, 1941; and recorded in Liber A.P. 4, folio 494, one of the Land Records of Frederick County, Maryland, said Deed describing the tract of land conveyed as being parts of tracts of land known as "Henry and Elizabeth Extended" and "New Purchase," and describing same by lines and boundaries as containing 31 acres of land, more or less, that Parcel 1 may be all and the same real estate devised by Will of one Sarah E. Cutshall of Brownsville, Montgomery County, Maryland, who passed away on May 21, 1937, said Will being dated June 18, 1935, and recorded in Liber P.W. 9, folio 355, one of the Will Records of Montgomery County, Maryland, said Will devising all real estate in to Catherine M. Watkins, widow of Sarah E. Cutshall, that by virtue of the foregoing, a question has been raised as to whether the Petitioner has a good and marketable title to said Parcel 1, by reason of the fact that there appears to be: (a) a gap between the fee simple owner of Parcel 1 in 1931 (Sarah Cutshall), and the fee simple owners in 1941, as reflected in the Deed from Alvin C. Cutshall, et al., Lucy May Davidson, et al., and Edith Virginia Schoppe, et al., conveying a 3/5 interest in Parcel 1 to George H. Cutshall and Etta M. Cutshall, (b) a possible duplicate conveyance of the same tract by the Grantors (Alvin C. Cutshall, et al.) and the 1941 Will of Sarah E. Cutshall devising all realty unto Catherine M. Watkins, and (c) an outstanding 1/3 interest in Parcel 1 by virtue of the Alvin Cochell Cutshall Deed which conveys only a 3/5 interest to George H. Cutshall, who was theoretically entitled to at least 1/3 by virtue of the Will of his father, George W. Cutshall, having outstanding and unaccounted for a 1/3 interest, that Parcel 2 is a part of the real estate described and conveyed in a Deed from Mattie W. Gladball, widow, to John C. Stup and L. Olive Stup, his wife, dated March 6, 1940, and recorded in Liber 432, folio 351, one of the Land Records of Frederick County, Maryland, said Deed reciting as conveying, inter alia, the real estate conveyed in a Deed "from George Housen and wife," dated March 23, 1940, and recorded in Liber 423, folio 208, one of the aforesaid Land Records, that Parcel 2 is all and the same real estate described and conveyed in a Deed from George Housen and Florence Housen, his wife, dated March 23, 1940,

NOTICE

that the Petitioner and no person or persons to interest have been in actual possession, adverse and和平able possession of the tract of land which are the subject matter of this proceeding, namely, Parcel 1 and Parcel 2, or otherwise under claim of right and color of title more than 2 years prior to the filing of the Bill of Complaint, that the Petitioner believes and therefore avers that there is a cloud upon the title to its property and that the same can not be established of record without removal of the aforesaid clouds, and further that the Petitioner has no adequate remedy at law.

The relief prayed in the Bill of Complaint is substantially as follows:

The this Honorable Court to take jurisdiction of the premises and enter a Decree quieting title to the real estate mentioned and described in the Bill of Complaint and remove the cloud from the title thereto, and that this Court shall declare that the Petitioner has a good and marketable fee simple title to the property mentioned in the Bill of Complaint and may sell, convey or otherwise deal with said property without regard to the claims of the unknown heirs, devisees, personal representatives, descendants, successors in interest of the persons mentioned in this Bill of Complaint.

It is therefore the 10th day of April, 1973, by the Circuit Court for Frederick County, Maryland sitting as a Court of Equity, and by the authority thereof, ORDERED, that the Petitioner cause a copy of this Order to be inserted in some newspaper published in Frederick County once a week in each of four (4) successive weeks, the last of such publications to be made not less than thirty (30) days before the 25th day of May, 1973, giving notice to the unknown heirs, devisees, personal representatives, descendants or successors in interest of George W. Cutshall, deceased, Sarah Cutshall, deceased, Catherine Watkins, deceased, and Antoinette Housen, deceased, whether residents or non residents of the object and substance of this Bill of Complaint and commanding them to appear in this Court in person or by Subpoena, on or before the 25th day of June, 1973, to show cause, if any they may be, why a Decree ought not to be passed as prayed.

Robert E. Clapp

JUDGE

W. JEROME OFFUTT and SIDNEY L. BLOOM
Solicitors for Complainant
22 West Second Street
Frederick, Maryland 21701
301-642-3248

Filed April 18, 1973

TRUE COPY TEST

ELLIS C. WACHTER

CLERK